

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NOS. F603787 & F606715

BETTY BOYKIN, EMPLOYEE	CLAIMANT
CENTRAL MOLONEY, INC., EMPLOYER	RESPONDENT
CROCKETT ADJUSTMENT, INSURANCE CARRIER/TPA	RESPONDENT

OPINION FILED JUNE 19, 2009

Upon review before the FULL COMMISSION in Little Rock, Pulaski County, Arkansas.

Claimant appeared pro se.

Respondents represented by the HONORABLE MIKE DENNIS, Attorney at Law, Pine Bluff, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Claimant appeals an opinion and order of the Administrative Law Judge filed October 21, 2008. In said order, the Administrative Law Judge made the following findings of fact and conclusions of law:

1. The Workers' Compensation Commission has jurisdiction of claim #F603787 in which the relationship of employer-employee-carrier existed among the parties on November 1, 2002, at an average weekly wage of \$475.20.

Some medical expenses were paid before this claim for a back injury was controverted in April, 2005.

2. The claimant has proven by a preponderance of the credible evidence that she sustained a compensable back injury, caused by a specific incident, arising out of and in the course of her employment which produced physical bodily harm, supported by objective findings, requiring medical treatment or producing disability, pursuant to Ark. Code Ann. §11-9-102.
3. The Workers' Compensation Commission has jurisdiction of Claim #F606715 in which the relationship of employer-employee-carrier existed among the parties on October 18, 2005 at an average weekly wage of \$535.60. This claim for bilateral CTS was controverted in its entirety.
4. The claimant has proven by a preponderance of the credible evidence of record that she sustained a gradual injury, caused by rapid and repetitive motion arising out of and in the course of her employment which produced physical bodily harm, supported by objective findings, which was the major cause of disability or the need for medical treatment, pursuant to A.C.A. §11-9-102.

5. The back claim is barred by the statute of limitations. The November 2002 claim for additional benefits was dismissed in January, 2007. The claimant made no effort to reopen the case until April, 2008.

The October 2005 CTS claim for benefits is still active. The March 2007 dismissal was invalid as no hearing was held.

6. The claimant is authorized to return to Dr. Pollard for treatment to the left arm. The respondents are directed to pay all medical expenses within thirty days of receipt pursuant to Rule 30.
7. The respondents are directed to pay temporary total disability benefits for CTS from July 14, 2006 to August 21, 2006 based on Dr. Pollard's medical records, as the claimant remained in her healing period and had not returned to work.
8. The respondents are directed to send Dr. Pollard a Form AR-3, "Physician's Report," to obtain his opinion on the healing period, work restrictions and any permanent impairment.

9. If they have not already done so, the respondents are directed to pay the court reporter, Linda Parker's, fees and expenses within thirty days of receipt of the bill.

We have carefully conducted a de novo review of the entire record herein and it is our opinion that the Administrative Law Judge's decision is supported by a preponderance of the credible evidence, correctly applies the law, and should be affirmed. Specifically, we find from a preponderance of the evidence that the findings made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

We therefore affirm the October 21, 2008 decision of the Administrative Law Judge, including all findings of fact and conclusions of law therein, and adopt the opinion as the decision of the Full Commission on appeal.

All accrued benefits shall be paid in a lump sum without discount and with interest thereon at the lawful rate from the date of the Administrative Law Judge's decision in accordance with Ark. Code Ann. § 11-9-809 (Repl. 2002).

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IT IS SO ORDERED.

A. WATSON BELL, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Hood dissents.